



17 JUL 2002

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WASHINGTON, D.C. 20231  
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In re Application of	:	
JOHNSON, et al.	:	DECISION ON PETITION
U.S. Application No.: 09/762,077	:	
PCT No.: PCT/US99/17338	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 30 July 1999	:	
Priority Date: 30 July 1998	:	
Attorney Docket No.: 56326-032 (IOPL-007)	:	
For: INFRARED RADIATION SOURCES, SENSORS	:	
AND SOURCE COMBINATIONS, AND	:	
METHODS OF MANUFACTURE	:	

This decision is in response to applicant's "SECOND RENEWED PETITION UNDER 37 CFR § 1.47(a)" filed 03 June 2002.

#### **BACKGROUND**

On 02 April 2002, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor W. Andrew Bodkin. Applicant was afforded two months to file any request for reconsideration.

On 03 June 2002, applicant responded with the present renewed petition. 02 June 2002 being a Sunday, the renewed petition is considered timely filed.

#### **DISCUSSION**

As discussed in the decision mailed 02 April 2002, a petition under 37 CFR 1.47(a) must be accompanied by: (1) the requisite \$130 petition fee required by 37 CFR 1.17(I); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; and (4) an oath or declaration executed by each of the signing joint inventors on their behalf and on behalf of the non-signing joint inventor(s). Applicant previously satisfied items (1), (2) and (3) above.

Regarding item (4), applicants have now filed a compliant combined declaration and power of attorney executed by each of the signing joint inventors on their behalf and on behalf of the non-signing joint inventor, W. Andrew Bodkin. Therefore, all of the above items have now been satisfied and it is proper to grant applicant's renewed petition at this time.

**CONCLUSION**

Applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 30 July 1999 under 35 U.S.C. 363, and will be given a date of **03 June 2002** under 35 U.S.C. 371(c).

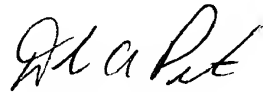
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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Dear Mr. Bodkin:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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